

DEC 05 2005

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COMMISSION
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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
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MUR 5627)
TSC ENGINEERING AND)
TSC SURVEYING PAC FUND)
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2005 DEC -5 P 4:56

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

SENSITIVE

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

and are deemed inappropriate for review by the Alternative Dispute Resolution

Office are forwarded to the Commission with a recommendation for dismissal. The

Commission has determined that pursuing low-rated matters compared to other higher rated

matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to

dismiss these cases.

The Office of General Counsel scored MUR 5627 as a low-rated matter. In this case,

the allegations concerned the propriety of a payroll deduction for a corporate political action

committee. Respondents have submitted statements to the effect that TSC Engineering and

TSC Surveying PAC Fund is a non-federal political action committee that is not engaged in

federal activity. In light of the de minimis nature of the allegations, coupled with the potential

lack of jurisdiction to address the state issues, and reviewing the merits of MUR 5627 in

furtherance of the Commission's priorities and resources relative to other matters pending on

the Enforcement docket, the Office of General Counsel believes that the Commission should

exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S.

821 (1985).

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1 **RECOMMENDATION**

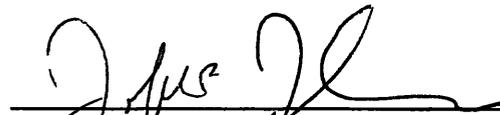
2 The Office of General Counsel recommends that the Commission dismiss MUR
3 5627, close the file effective two weeks from the date of the Commission vote, and approve
4 the appropriate letters. Closing the case as of this date will allow CELA and General Law
5 and Advice the necessary time to prepare the closing letters and the case file for the public
6 record.

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9 James A. Kahl
10 Deputy General Counsel

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12
13 12/5/05
14 _____
15 Date

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17 BY:

18 
19 _____
20 Gregory R. Baker
21 Special Counsel
22 Complaints Examination
23 & Legal Administration

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25 _____
26 Jeff S. Jordan
27 Supervisory Attorney
28 Complaints Examination
29 & Legal Administration

30 Attachment:
31 Narrative in MUR 5627
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MUR 5627

Complainant: Michael Lewis

Respondents: TSC Engineering and TSC Surveying PAC Fund
TSC Engineering Company

Allegations: The complainant alleges that TSC Engineering Company collects funds in the form of payroll deductions from its employees every two weeks and forwards the funds to its political action committee, TSC Engineering and TSC Surveying PAC Fund ("TSC PAC"). The complainant claims that his "contribution" to TSC PAC was not voluntary. Additionally, the complainant states that he has not been invited to participate in any meetings involving the election of TSC PAC officers or how TSC PAC funds are used.

Responses: TSC Engineering responded by noting that it does not sponsor any federal political action committee. Rather, TSC Engineering sponsors a state political action committee, TSC PAC (a Texas political action committee). TSC Engineering claims it uses "payroll deduction[s] [as] a permissible method of collecting contributions," pursuant to a Texas Ethics Advisory Opinion. Further, TSC PAC states that it has never contributed to a federal candidate or committee. Finally, TSC PAC asserts that it is not subject to FEC jurisdiction, although it does abide by all state regulations.

Date complaint filed: December 7, 2004

Responses filed: January 3, 2005
